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IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

IN THE MATTER OF COURT
PERSONNEL REGULATIONS

ORDER ESTABLISHING
COURT PERSONNEL
REGULATIONS

COURT PERSONNEL REGULATIONS

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1.0 Purpose

The intent of this Order is as follows:

1.01 To provide for a more effective Judicial Administration through the use of

standardized policies and procedures applicable to all Judicial Services personnel.

- 1.02 To provide a standardized system of position classification and compensation based upon the complexity and responsibility of the principal tasks assigned to each position in the Judicial Services Departments.
- 1.03 To provide equal employment opportunities to all applicants and employees without discrimination due to race, color, religion, age, sex, disability, national origin, marital status, sexual orientation, socio economic status or the physical, mental or sensory disability unless the disability prevents the performance of the essential functions required of the position and cannot be accomplished without undue hardship.

2.0 Administration

- 2.01 The Ninth Judicial District Court Judges (hereinafter referred to as the “Judges”) may from time to time promulgate appropriate rules, regulations or amendments to this Order to promote the fair and effective administration of personnel in the Judicial Court service. The Judges may delegate administrative authority to the Court Administrator or Manager to enforce any and all of the rules by written order.
- 2.02 The Judges may delegate to the Douglas County Human Resources Department the responsibility for interpretation and administration of this Order, subject to review and direction from the Judges.
- 2.03 The provisions of this Order establish policies, procedures and standards whereby the purpose of the Ninth Judicial District Court Personnel Regulations may be achieved, and apply to all employees of the Douglas County Judicial Services Department (hereinafter referred to as the “Court”), China Spring Youth Camp, Juvenile Probation and Detention, Court Appointed Special Advocates (“CASA”), Special Advocates for Elders (“SAFE”), and any other program under the direct and indirect

jurisdiction of the Judges.

- 2.04** Unless otherwise stated herein, these rules supersede policies, procedures and standards of Douglas County (hereinafter referred to as the "County") with respect to personnel of the Court.

3.0 Definitions

The words and phrases used in this regulation shall be construed to have the same meaning as those set forth in Douglas County Code 2.02.030, unless further defined herein:

- 3.01 "Anniversary date"** means the completion of twenty-six (26) bi-weekly pay periods from the date of continuous employment (date hired). Anniversary date for future performance evaluations and salary increase consideration changes will be the date of promotion, where applicable.
- 3.02 "Call back"** means compensation earned for returning to duty after a non-exempt employee has completed a regular shift, if off duty for any period of time, and is requested to return to duty with less than twelve (12) hours notice. An employee called to return to work while on Standby Status has notice that he/she may be requested to return to duty and therefore does not qualify for call back pay.
- 3.03 "Camp"** means China Spring Youth Camp.
- 3.04 "Class"** means positions in one occupation or profession which have approximately the same duties and responsibilities. The education, experience, knowledge, skills and abilities needed to fulfill the position are the same, and the same tests may be used to qualify. The same pay grade will apply to all positions in the class and they are under the same job title.
- 3.05 "Class series"** includes all classes at all levels of difficulty and responsibility in the same occupation.
- 3.06 "Class specifications"** means a description of a class, including the duties and responsibilities, education and experience required and the knowledge,

skills and abilities necessary to fulfill a position in the class.

- 3.07 **“Classification plan”** consists of all the classes established along with the rules for maintaining the plan and the class specifications.
- 3.08 **“Classification study”** means investigation of a position to determine its proper class.
- 3.09 **“Classified position”** means all positions regulated by the Court personnel regulation. Each will be assigned a class in the classification plan and will be defined by a class specification. Specific classifications excluded from this definition are identified in subsection 3.037 (Unclassified positions).
- 3.010 **“Compensation schedule”** means a listing of pay ranges within the range to which each classification is assigned.
- 3.011 **“Court”** means the Ninth Judicial District Court including all services thereunder.
- 3.012 **“Days”** unless otherwise specified, means consecutive calendar days.
- 3.013 **“Demotion”** means movement of an employee to a class assigned to a lower compensation grade than the class the employee is currently in, for disciplinary or voluntary reasons.
- 3.014 **“Manager”** means the individual serving as the head of a department reporting directly to the Judges or Court Administrator.
- 3.015 **“Effective date”** means date of specific action.
- 3.016 **“Emergency appointment”** means that under extraordinary circumstances including but not limited to loss of life, incapacitating illness, or termination for cause, a Judge may take emergency appointments without regard to the rules on certification or appointment.
- 3.017 **“Exempt employee”** means an employee not eligible for overtime per Fair Labor Standards Act (FLSA).
- 3.018 **“Grade”** is equivalent to the grades as listed in the Douglas County Pay Plan. A grade designates the pay scale from minimum to maximum

compensation.

- 3.019 “Grant-funded position”** is a position which is authorized dependent upon the department generating the revenue to fund the position, usually from some outside grant.
- 3.020 “Merit salary increase”** means a pay increase given an employee for meeting or exceeding the job performance standards of the position to which she or he is assigned.
- 3.021 “Non-exempt employee”** means an employee eligible for overtime as per Fair Labor Standards Act (FLSA).
- 3.022 “On-Call employee”** means an employee, who has been placed upon an On-Call list and who works less than twenty (20) hours per week. An On-Call employee of the China Spring Youth Camp may work in excess of twenty (20) hours per week.
- 3.023 “Part-time employee”** means one who works less than twenty (20) hours per week.
- 3.024 “Position description”** means a written a written description of the tasks and responsibilities of a position.
- 3.025 “Probation”** means a period after an employee’s initial appointment or probation in which the Judges or designee evaluates an employee's suitability for the class.
- 3.026 “Promotion”** means the assignment of an employee to a class with a higher compensation grade.
- 3.027 “Reclassification”** means a reallocation of a position within the compensation plan based on significant changes in kind, difficulty or responsibility of work performed.
- 3.028 “Regular employee”** means an employee who has been retained in a position at the completion of the probation period.
- 3.029 “Reinstatement”** means the reinstatement of an employee in the same or

- related position they were assigned before separation from County service.
- 3.030 “Resignation”** means the voluntary ending of employment.
- 3.031 “Salary range”** is equivalent to the grades as listed in the Douglas County Pay Plan.
- 3.032 “Seasonal appointment”** means an employee’s periodic appointment related to the seasons. Any person who accepts a seasonal appointment is not, unless otherwise specified, subject to the Judicial Personnel ordinance. Any person who accepts a seasonal appointment serves at will of the Judges and may be removed at will by the Judges without notice cause or hearing.
- 3.033 “Standby Status”** means a non-exempt employee who is off duty, but is assigned to be available to perform occasional work, if necessary. The employee is not required to remain on the employer's premise(s) and may leave his/her residence, but must:
- a. Remain available for notification to work during specified hours;
 - b. Be ready to respond in a reasonable time to calls for their services;
 - c. Be readily available at all hours by telephone or other communication devices;
 - d. Refrain from activities which might impair the employee’s ability to respond to a location, answer a call or otherwise perform their duty; and
 - e. Allowed to use the time during which he/she is waiting for notification to work for his/her personal pursuits.
- 3.034 “Supervisor”** means an administrative officer or employee in charge of any employee, unit, or operation.
- 3.035 “Temporary employee”** means a person hired for a period not to exceed 1,040 hours or six (6) months of employment.
- 3.036 “Termination”** means the conclusion of an employee’s employment.
- 3.037 “Transfer”** means movement of an employee from one position to another position in the same salary range.
- 3.038 “Unclassified position”** means a position in the Douglas County Judicial

Services Department; which, unless otherwise specified, is not provided the protection as outlined in **Section 7** of this document.

1. The following positions are unclassified:
 - a. Accounting Manager
 - b. Apprentice Court Clerk
 - c. CASA Administrator
 - d. CASA Coordinator
 - e. Chief Juvenile Probation Officer
 - f. Chief Deputy Juvenile Probation Officer
 - g. Court Administrator
 - h. Court Information Technology Manager
 - i. Court Operations Specialist
 - j. Deputy Clerk
 - k. Director of Juvenile Camp Services
 - l. Asst. Director of Juvenile Camp Services
 - m. Judicial Assistant
 - n. Juvenile Probation Detention Supervisor
 - o. SAFE Administrator
 - p. Senior Deputy Clerk
 - q. Research Assistant
 - r. Law Clerk
 - s. Staff Attorney
 - t. Program Manager
2. Any individual appointed to an unclassified position serves at the will of Judges and may be removed at will by the Judges without notice, cause or hearing.
3. A change in designation from classified to unclassified and vice versa may be made by the Judges.

4.0 Classification Plan.

4.01 Establishment of classification plan

The Court shall utilize one standard compensation structure for all employees, which shall be maintained to meet all criteria associated with the concepts of internal and external equity.

4.02 Classification and Reclassification

The Douglas County Human Resource Department shall examine the nature of all positions, develop and recommend policies to the Judges, Manager and Court Administrator, make changes in the compensation and classification plan as necessary due to changes in the duties and responsibilities of existing position, and to periodically review the entire compensation and classification plan, and recommend appropriate changes. Revisions to job descriptions and reallocations within the compensation and classification plan shall be made as often as is necessary to provide current information on positions in accordance with the reclassification procedure policy.

4.03 Where authorized by law to do so, independent contractors may be hired. Independent contractors are not County or Court employees, and the performance of all work is subject to and controlled by the terms of their contract. Besides the specific terms of the contract, an independent contractor is hired on the conditions that there shall be no:

1. Withholding of income taxes by the County or the Court;
2. Industrial insurance coverage provided by the County or the Court;
3. Participation in group insurance plans which may be available to employees of the County or the Court;
4. Participation or contributions by either the independent contract or the County or the Court to the public employee's retirement system;
5. Unemployment compensation coverage provided by the County or the Court if the requirements of NRS 612.085 Independent Contractors are met.

5.0 Compensation

5.01 Merit Salary Increase

5.011 A regular employee who has not reached the maximum pay rate within the salary range, receiving an annual performance rating of standard successful performance or above, may be eligible for a merit pay increase. A merit increase for an employee who is on a leave of absence of six months or more during an annual performance period shall be prorated to reflect time actually worked during the leave of absence. Eligibility for a merit pay increase does not constitute a right to such increase. Such pay increases are at the discretion of the Judges.

5.012 Medical and Dental Insurance

a. Health Benefit Plan.

1. Douglas County's Health Benefit Package will provide eligible employees with core medical, dental, vision and individual life insurance coverage, in a specific dollar amount, which will vary dependent upon whether the employee has individual coverage or dependent coverage.
2. Employees may use remaining funds or salary deductions toward benefits on the health benefits plan.
3. The core medical package is optional for employees who can provide acceptable proof of similar coverage through another source. Approval for waiver of a core medical package shall be at the County's sole discretion.

b. Contributions toward Health Benefit Package.

1. A traditional medical plan and, if available, a High Deductible Plan will be offered to employees.
2. One of these must be purchased, unless waived pursuant to

A(4) above. If waived, the employee will receive the monthly contribution set forth in D below.

c. High Deductible Plan Annual Account Contribution and Distribution

1. Fifty percent of the annual account contribution will be deposited in individual accounts two (2) times each calendar year (first full pay period in January and July).
2. If a plan participant experiences a qualifying event which results in a status change during the year, the premium and account contribution will change at that time. Account contributions will be recalculated and reflect the new account contribution rate. If a plan participant experiences a qualifying event which results in a status change between January and July, the account contribution for July will be fifty (50) percent of the annual account contribution. Probationary employees contribution is prorated.

d. Monthly Contribution in Lieu of Core Medical Package

If an employee waives the core package, the employee shall receive a fixed dollar amount, as set by the County, per month in lieu of coverage, which they may use for items on the Health Benefit Package after purchase of mandatory dental/vision/ life insurance coverage.

5.013 Compensatory Time earned (CTE)

a. Accumulation

In lieu of overtime pay, and if offered by management, non-exempt employees may elect to receive Compensatory Time Earned (CTE/Comp) at a rate of time and one-half for such overtime hours worked. A maximum eighty (80) hours may be banked at any one time.

b. Use of Compensatory Time Earned

An employee may use Comp by requesting such time off and having it approved in advance. A Manager or Court Administrator may require an employee to utilize any Comp bank before granting the use of annual leave.

c. Pay off of Compensatory Time Earned Bank

The County may pay off an employee's Comp bank at any time, at the employee's current straight time rate of pay. If an employee has not used their Comp within 180 days the Judges, Court Administrator or Managers may elect to pay out the time to the employee.

5.014 Call Back

a. Call Back

Call back is defined as stated in regulation 3.02.

b. Call Back Paid

Call back is paid at one and one-half (1.5) times the employees hourly rate and is paid for a minimum of two (2) hours or time actually worked, whichever is greater. There will be no overlapping of premiums in that if an employee works less than two (2) hours on the initial call-back and is then called back on a second time during the initial two hour period. The employee will not be entitled to additional overtime pay unless the total time worked for both call-backs exceeds two (2) hours. In such cases, the employee will be paid for the total hours worked.

FLSA Hours – Each employee scheduled to work 56 hour shifts will be compensated 3 hours per pay period at straight time regardless of the actual number of hours worked.

Call Back and PERS – Douglas County Court Employees, Judicial Services Employees or Camp Employees will follow the policies set forth by the

Public Employees' Retirement System with regard to Call Back compensation. For PERS eligibility call back is defined and compensated pursuant to the employees' effective dates as set forth by PERS.

5.02 Holiday Pay

- 5.021** Legal holidays are defined as being those days provided for in NRS 236.015, together with discretionary holidays as may be declared from time to time by the governor pursuant to NRS 223.130.
- 5.022** An employee is eligible to receive holiday pay, regardless of how many hours that employee works or is scheduled to work in a week, except if their status is part-time, temporary, seasonal, or on call.
- 5.023** Non-exempt employees will be paid at their normal rate for any designated holiday, which falls on their normal workday when the employee does not work on such Holiday.
- 5.024** Any eligible non-exempt employee required to work on a designated holiday and the holiday falls on the employees' regularly scheduled day to work, will receive holiday pay plus overtime for any hours worked on said holiday. This scenario is considered "PERS able" time per applicable PERS sections of NRS.
- 5.025** Any eligible non-exempt employee required to work on a designated holiday and the holiday falls on the employees' regular scheduled day off, will receive holiday pay plus overtime for any hours actually worked on said holiday.
- 5.026** Exempt employees will receive their normal rate of pay for eight (8) hours regardless of hours worked or not worked on the holiday.
- 5.027** Non-exempt employees in assignments which are part of twenty-four (24) hour coverage (i.e. China Spring Youth Camp and Lake Tahoe Detention Center) Management may opt to allocate to its employees holiday pay at the straight time rate for eleven (11), eight (8) hour holidays per year prorated

equally over the years' twenty-six (26) pay periods. Employees transferring between twenty-four (24) hour coverage shifts and non-twenty-four hour coverage shifts shall have their holiday allowance computed and conversion approved by the County Manager's Office and the Finance Department at the time of such transfer. Nothing in this section shall prohibit the employee's right to request leave on a holiday nor Management's right to approve or deny time off on a holiday providing the employee uses CTO, annual leave, or takes leave without pay. Should additional holidays be declared by the President of the United States, Governor of Nevada, Chief Justice of the Nevada Supreme Court, the disbursement may be increased for each additional holiday declared.

5.03 Standby Pay.

5.031 Standby is defined as in regulation 3.033.

5.032 Standby Status shall be assigned in writing and shall be compensated at a rate of \$3.00 per hour.

5.033 Any non-exempt employee who is on Standby Status and begins the performance of his/her regular duties after being contacted to work ceases to be on Standby Status and qualifies for regular or overtime pay at a rate of one and one-half (1.5) times her/her normal base hourly wage for actual time worked, whichever is applicable, consistent with Chapter 608 of the Nevada Revised Statutes. Upon completion of the work, he/she returns to Standby Status for the remainder of the time he/she has been directed to be available to work.

5.034 An employee shall continue to receive the Standby Status pay provided in subsection 2 for any hour where regular or overtime pay is received for actual time worked and the actual time worked is less than an hour. If an employee receives regular or overtime pay for the entire hour, the employee will not receive Standby Status compensation for that hour.

5.035 Exempt employees are not entitled to Standby Status pay.

5.04 Night Shift Pay

5.041 Non-exempt employees in assignments which are part of 24-hour coverage (i.e. China Spring Youth Camp and Lake Tahoe Detention Center) may receive a shift differential pay at the discretion of the Manager.

5.042 To qualify, the employee must work at least one-half (1/2) of the qualifying shift.

5.043 The Manager shall have full discretion to make or not make such assignment or to remove an employee from such assignment.

6.0 Attendance and Leave

6.01 Attendance

6.011 Each Manager or Court Administrator shall ensure their department maintains proper attendance, leave and pay records, or that the office delegated to maintain such records is notified of all pertinent actions.

6.012 Management, with the approval of the Judges shall establish standards and procedures for reporting of attendance. The Judges or their delegate shall establish procedures and standards for the granting and scheduling of leave pursuant to the provisions of this chapter.

6.02 Annual Leave

6.021 All employees, classified or unclassified, who are employed on a continuous full-time or part-time basis of twenty (20) hours or more per week shall accrue annual leave as established by the Douglas County Administrative Policies and Procedures number 200.36.

6.022 Employees working less than twenty (20) hours and employees designated

On-Call, will not accrue annual leave credits.

6.023 Each employee shall accrue annual leave during his/her probationary period but shall not be granted annual leave during such period until he/she has been employed continuously for at least six (6) months.

6.024 Employees, who have completed at least six (6) months of continuous service and leave the court service, shall be paid at their current rate for accrued annual leave.

6.025 All personnel may retain and carry over the annual leave hours permitted under Douglas County Administrative Policies and Procedures number 200.36 into the subsequent calendar year. An employee will be deemed to have waived any entitlement to annual leave hours in excess of the permitted annual carry over, unless a written extension is authorized by the Judges and submitted to the Finance Department.

6.026 All annual leave will be taken at a time mutually agreeable to the employee and their supervisor, and must have advance approval by that supervisor.

6.027 Payment on Death

If an employee dies who is entitled to accumulated annual leave under the provisions of this Order, the heirs of such deceased employee shall be paid an amount of money equal to the number of hours of annual leave earned or accrued multiplied by the hourly rate of such deceased employee.

6.03 Sick leave

6.031 All employees, classified or unclassified, who are employed on a continuous full-time or part-time basis of twenty (20) hours or more per week, shall accrue sick leave as established by the Douglas County Administrative Policies and Procedures number 200.44.

6.032 Employees working less than twenty (20) hours or employees designated as On-

Call, shall not accrue sick leave credits.

6.04 Leave of Absence.

6.041 All employees, classified or unclassified, who are employed on a continuous full-time or part-time basis of twenty (20) hours or more per week, shall be entitled to leave of absence, where applicable, as established by the Douglas County Administrative Policies and Procedures.

6.042 With the exception of Family Medical Leave, Leave Without Pay of less than thirty days (30) may be granted be granted by the Manager or Court Administrator where the employee does not have Annual Leave or Compensatory Time available. When such leave is granted, the Manager or Court Administrator will formally notify the Human Resource Department of such action.

6.043 With the exception of Family Medical Leave, leave without pay of a period of thirty (30) days or more, may be granted by the Judges. The employee shall retain their status as a public employee and the pay, leave and benefits accrued prior to the leave for a period not to exceed twenty-six (26) consecutive pay periods.

6.05 Unauthorized Absence

6.051 An unauthorized absence from work shall be treated as leave without pay and may be a cause for disciplinary action up to and including termination.

6.052 An unauthorized absence for three (3) consecutive days shall be regarded as an automatic resignation and termination.

7.0 Appeals and Hearings

7.01 In the event the Manager or Court Administrator desires to institute any disciplinary or correctional action to a non-exempt, non-probationary employee wherein a suspension of five (5) days or more, demotion or termination is contemplated, the following procedures will apply:

7.02 The Court Administrator, Manager/Director or supervisor shall prepare a Written Specification of Charges against the employee. The Written Specification of Charges will be provided to the Human Resources

Department and the District Attorney's Office. The Human Resources Department and the District Attorney's Office must review the written document prior to its service on the employee. After such review of the Written Specification of Charges, Management shall advise the employee in writing of the proposed action.

- 7.03** In the event the employee desires to contest the proposed disciplinary action, he or she shall be granted a hearing before a hearing board. The hearing board shall be appointed by the Human Resources Department and shall consist of one (1) Manager from a department separate from that of the employee in issue, and two (2) supervisors. The employee must request a hearing in writing and submit the request to the Human Resources Department within fourteen (14) days of receipt of the specification of charges.
- 7.04** Within ten (10) days of receipt of the employee's request for hearing, the hearing board shall convene to hear the matter. Immediately, upon the scheduling of the hearing, the Human Resources Department shall notify the employee's Manager, Court Administrator and District Attorney's Office of the time and place of the scheduled hearing. The Manager, Court Administrator and the District Attorney's Office have a right to be present during the hearing. If, upon conclusion of the hearing, the hearing board finds the proposed disciplinary action is unwarranted, it shall notify the employee and the Manager or Court Administrator of its decision. If the hearing board finds that the proposed disciplinary action, or any lesser disciplinary action is warranted, it shall notify the employee and the appropriate Manager or Court Administrator of its decision, such notification shall be in writing and shall include a delineation of the charges found to be factually supported and shall indicate appropriate appeal procedures. If the decision is not appealed it shall be considered final. If

the decision is to impose the proposed disciplinary action or a lesser disciplinary action, the Manager or Court Administrator may impose the disciplinary action pending appeal.

7.05 In the event an employee, Manager or Court Administrator is dissatisfied with the decision of the hearing board, he or she may appeal the decision to the Court. The appeal to the Court must be in writing and must be filed with the Douglas County Department of Human Resources no later than ten (10) days after the written decision of the hearing board is issued. The Douglas County Department of Human Resources will be responsible for notifying the Clerk of the Court of the appeal. The Court shall establish a time for an appeal hearing not less than ten (10) working days nor more than sixty (60) working days from the date of the receipt of the appeal. All interested parties shall be notified by the Court in writing of the date, time and place of hearing at least five (5) working days prior to the hearing.

7.06 At the conclusion of the appeal hearing, the Court shall notify the parties in writing within thirty (30) days from the date of hearing, the decision in the matter. The decision of the Court shall be final.

8.0 Miscellaneous provisions

8.01 Outside work

8.011 Employees of the Court shall not engage in any outside work which will impede the performance of their duties or create a conflict of interest.

8.012 Employees of the Court shall not engage in any outside activity which could compromise, embarrass, or discredit the County or the Court.

8.013 Employees shall notify their Manager or Court Administrator in advance of any plans to engage in outside work. Such notification must be written and contain full information about the planned work.

No such employment shall be allowed unless authorized in advance by the Manager, Court Administrator or Judges.

8.014 Employees shall notify their Manager or Court Administrator in advance of any plans to engage in or conduct their own business. Such notification must be written and contain full information about the planned business. No such employment shall be allowed unless authorized in advance by the Manager, Court Administrator or Judges.

8.015 The Judges may require the employee to meet such requirements as they deem necessary.

8.016 Failure of an employee to comply with the notice requirements of this subsection or with any other requirements established by the Judges or the Board of County Commissioners may result in disciplinary action, including termination, being taken against the employee.

8.017 At no time may an employee own or work for a business that sells services or goods to the County or the Douglas County Department of Judicial Services.

8.018 At no time may an employee work for a service provider under contract doing business with the Douglas County Department of Judicial Services.

9.0 Conflict of Interest with Cases Pending Before the Court

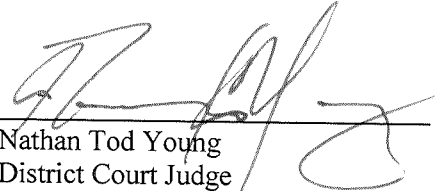
9.01 An employee shall avoid any involvement in the processing of any matter before the courts or probation in which the employee has a personal, business or family interest and immediately inform the Manager, Court Administrator or the Judges of the existence of such conflict of interest in writing within three calendar days. Failure to do so may result in corrective or disciplinary

action.


10.0 Matters not covered by this Order

10.01 Matters not covered by either this Court Order, additional Court Orders or Court Administration Policies and Procedures will be governed by the County Administrative Personnel Policies and Procedures. All Court Orders and Policies and Procedures must be provided to Human Resources Department and Court Employees to be enforceable.

Dated this 13 day of January 2016.



Nathan Tod Young
District Court Judge



Thomas W. Gregory
District Court Judge